

ENCLOSURE C

SPECIAL CONDITIONS

1. Basis for Requiring Special Conditions

The requirements that States ensure that children with disabilities participate in State and district-wide assessment systems; develop and administer alternate assessments, if necessary; and report publicly on the participation and performance of children with disabilities in State and district-wide assessments are crucial to ensuring that children with disabilities are provided access to high-quality instruction in the general curriculum, and that States and districts are held accountable for the progress of these children. 20 U.S.C. 1412(a)(16)-(17); 34 CFR §§300.137-300.139. The requirements regarding performance goals and indicators and the participation of children with disabilities in, and reporting on participation and performance of children with disabilities in regular assessments have been in effect since July 1, 1998; the requirements regarding reporting on alternate assessments have been in effect since July 1, 2000. According to the information reported to the Department in the Biennial Performance Report for the 2000-2001 school year, Alaska was not reporting publicly and to the Secretary on the participation and performance of children with disabilities in State and district-wide assessments, including alternate assessments, as required by Part B of the Individuals with Disabilities Education Act (IDEA).

Therefore, the Department determined that Alaska had not complied with all the terms and conditions of the Federal Fiscal Year 2002 awards under Part B of IDEA, and, under the authority of the Education Department General Administrative Regulations, 34 CFR §80.12, the Department continued Special Conditions on Alaska's Federal Fiscal Year 2003 awards under Part B. Those Special Conditions required that Alaska demonstrate, by June 30, 2003, that it was reporting publicly and to the Secretary on the participation and performance of children with disabilities in alternate assessments, as required at 20 U.S.C. 1412(a)(17) and 34 CFR §300.139(a). The State did not meet that timeline and has not yet met the requirements of 20 U.S.C. 1412(a)(17) and 34 CFR §300.139(a). (The State has informed the Department that it will provide documentation by October 31, 2003 that it has reported publicly on the participation and performance of children with disabilities in alternate assessments.) Therefore, the Department is imposing Special Conditions on Alaska's Federal Fiscal Year 2003 awards under Part B.

2. Nature of the Special Conditions

By October 31, 2003 Alaska must demonstrate that it is reporting publicly and to the Secretary on the participation and performance of children with disabilities in alternate assessments, as required at 20 U.S.C. 1412(a)(17) and 34 CFR §300.139(a). The State must submit information on reporting publicly on the participation and performance of children with disabilities in alternate assessments is to be submitted on the Biennial Performance Report format provided by OSEP. (This format is available at <http://www.ed.gov/offices/OSERS/OSEP/Monitoring/>.)

In an e-mail dated June 16, 2003 Art Arnold, Director of Special Education Programs for the Alaska Department of Education and Early Development, informed the U.S. Department of Education, Office of Special Education Programs that the State would not be able to satisfy its special condition regarding publicly reporting on the performance of children with disabilities in alternate assessments until October 2003. The portfolios for the alternate assessments for 2002-2003 were scored the week of June 9 – 13, 2003. The scores of those assessments will be submitted to CTB- McGraw for final processing and Alaska assures that a data summary report will accompany the final report from CTB-McGraw and that, that information will be publicly posted on State's website by October 2003.

In the event that, notwithstanding the State's assurance, the State does not meet that timeline, the State must:

- a) Submit to OSEP by October 31, 2003, a written plan detailing the steps and timelines for reporting publicly and to the Secretary on the participation and performance of children with disabilities in alternate assessments by May 30, 2004. The plan must ensure that student with disabilities, including students who take the alternate assessment, are assessed in the same grades as nondisabled students and that their participation in such assessment and the results of their assessments are reported in the same frequency and detail as nondisabled students.
- b) Submit progress reports on January 5, 2004, March 29, 2004, and the final submission due on May 31, 2004. The final submission that includes information on reporting publicly on the participation and performance of children with disabilities in alternate assessments is to be submitted on the Biennial Performance Report format provided by OSEP. (This format is available at <http://www.ed.gov/offices/OSERS/OSEP/Monitoring/>.)

3. Evidence Necessary for Conditions To Be Removed

The Department will remove the special conditions if, at any time prior to the expiration of the grant year, Alaska provides documentation, satisfactory to the Department, that it has fully met the requirements to report publicly on the participation and performance of children with disabilities in alternate assessments. This information is to be submitted on the Biennial Performance Report format provided by OSEP. (This format is available at <http://www.ed.gov/offices/OSERS/OSEP/Monitoring/>.)

4. Method of Requesting Reconsideration

The State can write to Assistant Secretary Robert H. Pasternack if it wishes the Department to reconsider any aspect of these Special Conditions. Any request of this sort should describe in detail the changes to the Special Conditions sought by the State and the reasons for those requested changes.

5. Submission of Reports

All reports that are required to be submitted by [State] to the Department under the Special Conditions should be submitted to:

Ellen Safranek
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U.S. Department of Education
330 C Street, SW
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